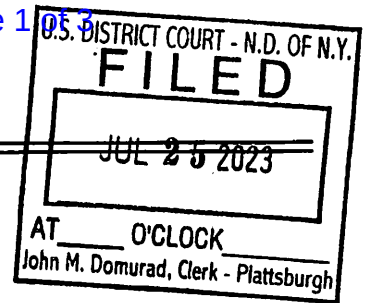


AO 91 (Rev. 11/11) Criminal Complaint



## UNITED STATES DISTRICT COURT

for the  
Northern District of New York

UNITED STATES OF AMERICA

v.

BHANDARI, Abhishek

Case No. 8:23-MJ-407 (GLF)

Defendant.

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of July 20, 2023, in the county of Clinton in the Northern District of New York, the defendant violated:

*Code Section*

8 U.S.C. § 1324(a)(1)(A)(ii)

*Offense Description*

Transport and move or attempt to transport and move fourteen aliens, knowing and in reckless disregard of the fact that the alien had come to, entered, and remained in the United States in violation of the law, by means of transportation or otherwise, in furtherance of the alien's violation of law.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

*Complainant's signature*

Jeffrey L. Havieon, Border Patrol Agent

*Printed name and title*

Attested to be the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date:

July 25, 2024

City and State:

Plattsburgh, NY

*Gary L. Favro*  
Hon. Gary L. Favro, U.S. Magistrate Judge

***United States of America v. BHANDARI, Abhishek***

On July 20, 2023, at approximately 2:50 a.m., Swanton Sector Communications (KAD 640) notified Champlain Border Patrol Agents they had received remote images of a dark Sport Utility Vehicle (SUV) which traveled north on Blackman Corners Road, in Mooers Forks, NY. Approximately two minutes later, this vehicle traveled back south. Blackman Corners Road is a remote dead end road, which ends at the international boundary with Canada. Because of this road's proximity to the international boundary, it is frequently utilized by smugglers for illicit cross border activities.

At approximately 3:00 a.m., an agent was watching the intersection of Blackman Corners Road and Davison Road when he observed a SUV matching the description of the vehicle seen travelling north and south on Blackman Corners Road. When the vehicle passed the agent's location, he noticed numerous occupants inside. The agent also noticed the vehicle's windows were heavily fogged up. The agent followed this SUV as it drove south on Woods Falls Road. Wood Falls Road is a remote rural road which is infrequently travelled at night and usually has little vehicular traffic during late night/early morning hours. This road is also a route of egress away from the border which evades the main roadways. Given the sequence of events, the vehicle's unusual driving pattern, the numerous occupants, and the fogged-up windows, the agent initiated a vehicle stop in order to conduct an immigration inspection of the vehicle's occupants.

The agent approached the vehicle, identified himself as a United States Border Patrol Agent, and proceeded to question the occupants as to their citizenship. The driver (Later identified as BHANDARI, Abhishek) was questioned regarding his citizenship and reason for being in the area. BHANDARI stated he was going to Walmart. The agent asked BHANDARI where the closest Walmart was located and how far he thought it was away from them. BHANDARI said they were going to the Consumer Square's Walmart in Plattsburgh, NY. BHANDARI stated he needed to pick up some stuff from Walmart. The agent asked BHANDARI how he was going to pick this stuff up when Walmart is closed. The agent asked who BHANDARI was travelling with and if they were family. BHANDARI replied "no, and I don't have anything further to say".

The agent noticed numerous passengers stacked on top of one another, covered in debris, wearing wet clothing, and some still wearing backpacks. The agent looked in the SUV's cargo area and saw five people who weren't even in seats. The agent attempted to question the passengers regarding their citizenship, but none of them could speak English, nor could they produce any documentation allowing them to remain in the United States legally. A total of fourteen passengers were inside this vehicle. This SUV only had eight seat belts. BHANDARI and the fourteen passengers were transported to the station for further investigation.

At the station, the subjects' biographical information and fingerprints were entered into Department of Homeland Security databases. It was revealed that all the passengers are citizens of India and none of them had any previous immigration or criminal history within the United States. Record checks further revealed that none of the fourteen passengers possessed any immigration documentation to be within the United States legally and there was no record of them having been inspected by Immigration authorities. Record checks revealed that BHANDARI is a Lawful Permanent Resident of the United States who resides in Florida. He is a citizen of India.

At the station, BHANDARI was issued his *Miranda* warnings, and he made a knowing, voluntary, and intelligent waiver of those rights, after which he agreed to speak with law enforcement. BHANDARI claimed about a month ago he received a package delivered to his residence in Florida by a common carrier (such as United Parcel Service) that was a box containing a flip phone and \$1,000.00 in cash. BHANDARI claimed a few hours after he received this phone, it rang. BHANDARI advised he answered the phone, and an unidentified male person told him he sent BHANDARI the money and phone. The caller requested BHANDARI to pick up his (the caller's) family in New York. BHANDARI said this person got his (BHANDARI'S) contact

***United States of America v. BHANDARI, Abhishek***

information through a mutual friend. BHANDARI agreed to the request and then purchased a roundtrip airline ticket and travelled from Tampa, FL to New Jersey. According to BHANDARI, this unknown person instructed him there was a Jeep Wagoneer, which would be parked in the public parking area, near the rental parking area, and the key would be left in the center console. BHANDARI claims he does not know who rented this vehicle. BHANDARI further claimed this unknown person directed him to the Walmart in Plattsburgh, NY. BHANDARI stated he got to the Plattsburgh, NY Walmart at around 10:00 p.m. BHANDARI advised that he was instructed to leave the vehicle running and unlocked and then go into the store. BHANDARI claims that when he returned there was a new cellphone inside. BHANDARI stated this unknown person contacted him on this new cellphone and told him to write down the directions for where he was supposed to go. According to BHANDARI, he was directed to Blackman Corner's Road. BHANDARI claims he slowly drove around the area until he heard people talking in the woods. BHANDARI stated he stopped, and everyone ran out from the woods and got into the vehicle. According to BHANDARI, he was going to take them back to the Walmart in Plattsburgh, NY and drop them off there. BHANDARI said he was going to drive back to New Jersey and fly back to Tampa, FL. BHANDARI told agents he knew he was doing something illegal. BHANDARI also thought he was going to receive more money, but no agreement has been made.

Based upon the forgoing there is probable cause to believe BHANDARI has violated Title 8, United States Code, Section 1324(a)(1)(A)(ii), in that he knew or acted in reckless disregard of the fact that the fourteen (14) aliens from India had come to, entered, or remained in the United States in violation of law. BHANDARI did move or transport the said aliens by a means of transportation, being a motor vehicle. In so doing, BHANDARI, a resident of the State of Florida, was found a short distance from the border with Canada in the early morning hours in a rural and sparsely populated area, with fourteen aliens from India in his rented motor vehicle, none of whom entered the United States lawfully, and all whom were complete strangers to the defendant.